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Filing date: **11/22/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91158189
Party	Plaintiff Intec Telecom Systems PLC & ADC Telecomm ADC Telecommunications, Inc. 12501 Whitewater Drive Minnetonka, MN 55343
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Submission	Other Motions/Papers
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Date	11/22/2006
Attachments	Mot to compel.PDF ( 3 pages )(23538 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**


ADC Telecommunications, Inc., and	)	
Intec Telecom Systems, Inc.	)	
	)	Opposition No. 91158189
Opposers,	)	
	)	Mark: SINGLE VIEW
vs.	)	
	)	Application Serial No. 78/142,638
Avaya, Inc.	)	
	)	Filing Date: July 10, 2002
Applicant.	)	
_____	)	Published: July 29, 2003

**INTEC'S MOTION TO COMPEL DISCOVERY**

Pursuant to 37 C.F.R § 2.120(e) and Rule 37 of the Federal Rules of Civil Procedure, Intec Telecom Systems, Inc. ("Intec") by itself and as the successor to ADC Telecommunications, Inc.'s ("ADC") trademark rights, hereby moves this Court for an Order compelling discovery responses pursuant to TMBP 527.01(c) instructing that Avaya, Inc. ("Avaya") has waived all objections and that ADC's Requests for Admissions are deemed admitted under TMBP 527.01(a). Since Avaya's refusal to cooperate with discovery is based upon a settlement reached by the parties, yet which Avaya has refused to execute, in the alternative, Intec respectfully requests that this Board pursuant to TMBP 527.03 and its inherent equitable powers, enters a default judgment pursuant to the terms of the settlement agreement. This motion is supported by the Memorandum, the pleadings and discovery responses filed simultaneously herewith. Counsel for Intec further certifies pursuant to 37 C.F.R § 2.120(e) and Rule 11 of the Federal Rules of Civil Procedure that they have attempted to resolve this matter but has been unable to do so.

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November 22, 2006  
Charleston, South Carolina

## CERTIFICATE OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough, L.L.P., attorneys for Applicant, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

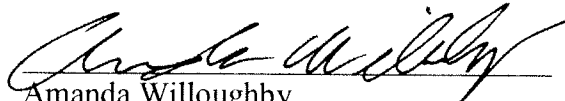
### **INTEC'S MOTION TO COMPEL**

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November 22, 2006  
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